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Martine & Penilla, LLP
710 Lakeway Drive
Suite 170
Sunnyvale, CA 94085

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OFFICE OF PETITIONS

In re Patent No. 6,561,889	:
Issue Date: May 13, 2003	:DECISION GRANTING PETITION
Application No. 09/752,509	:UNDER 37 CFR 1.137(b)
Filed: December 27, 2000	:
Attorney Docket No. LAM2P223A	:

This is a decision on the petition under 37 CFR 1.137(f), filed May 13, 2003, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

The petition under 37 CFR 1.137(b) is GRANTED.

Petitioner states that the instant nonprovisional application became the subject of an application filed in a foreign country on December 7, 2001. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

Therefore, pursuant to the provisions of 35 U.S.C. § 122 (b) (2) (B) (iii) and 37 CFR 1.213(c), petitioner failed to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(b) to revive for failure to timely notify the Office of the filing of an application in a foreign country must be accompanied by:

- (1) the required reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m);

(3) and a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 U.S.C. § 122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

This application matured into Patent No. 6,561,889 on May 13, 2003. Therefore, no further action being required, this patented file is being forwarded to Files Repository.

Any inquiries concerning this decision may be directed to the undersigned at (703) 308-6911.



Latrice Bond
Paralegal Specialist
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Frances Hicks
Lead Petitions Examiner